



16805 U.S.PTO

ATTORNEY DOCKET NO. 618-1185-999

Express Mail No. EV33585896US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner David J. Walczak
Art Unit 3751

10/785148
U.S.PTO
022404

Commissioner for Patents
P.O. Box 1450
Mail Stop PATENT APPLICATION
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation divisional application under 37 CFR § 1.53(b), of pending prior application no. Design Application No. 10/391,179, filed March 14, 2003, which is a continuation-in-part application of Design Application Nos. 29/168,675, now Design Patent No. D478,933, and 29/168,681, now Design Patent No. D480,107, both filed October 8, 2002; which are divisional applications of Design Application No. 29/153,606, filed January 14, 2002, now Design Patent No. D468,354; which is a continuation-in-part application of Design Application No. 29/145,136, filed July 17, 2001, now Design Patent No. D456,041

of Kenneth R. Cooper; Donald A. DeLuca; Michael Kent; Richard O'Brien

(inventor(s) currently of record in prior application)

for WRITING INSTRUMENT WITH GRIPPING DEVICE

(title of invention)

1. The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	10	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$86.00 each	\$ 0.00
			Minimum Fee		\$ 770.00
			Multiple Dependency Fee		\$ 0.00
			If Applicable (\$290.00)		\$ 0.00
				Total	\$ 770.00
			Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern		\$ 0.00
				Total Filing Fee	\$ 770.00

2. Please charge the required fee to Jones Day Deposit Account No. 16-1150. A copy of this sheet is enclosed.
- 3a. A Preliminary Amendment is enclosed.
- 3b. A new specification, substantially identical to the pending prior application and containing no new matter, is enclosed.
- 4a. New formal drawings are enclosed.

- 4b. Informal drawings are enclosed.
- 5a. Priority of _____ is claimed under 35 U.S.C. §119.
- 5b. The certified copy has been filed in prior application no. _____, filed _____.
6. The prior application is assigned of record to BIC Corporation on June 16, 2003, at reel 014181 and frame 0865.
- 7a. A copy of the Power of Attorney filed in the prior application no. _____, filed _____ is enclosed.
- 7b. A Power of Attorney is enclosed.
8. This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on _____ be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. _____ is enclosed.
9. The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. _____ is the same as the content of the computer readable form submitted in application no. _____.
10. DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. Additional enclosures or instruction

Respectfully submitted,



35,199

(Reg. No.)

Karen G. Horowitz
JONES DAY
222 East 41st Street
New York, New York 10017

Date February 24, 2004

Please type a plus (+) inside this box

[+]

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

6805
S. PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	618-1185-999	Total Pages	26
First Named Inventor or Application Identifier			
Kenneth R. COOPER			
Express Mail Label No.	EV335858968US		

APPLICATION ELEMENTS

See MPEP chapters 600 concerning utility patent application contents.

- | | |
|--|--|
| <p>1. <input checked="" type="checkbox"/> Fee Transmittal Form
<i>(Submit an original, and a duplicate for fee processing)</i></p> <p>2. <input type="checkbox"/> Applicant claims Small Entity status, see 37 C.F.R. § 1.27</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 13]
<i>(preferred arrangement set forth below, MPEP 1503.01)</i></p> <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R&D - Reference to Microfiche Appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description of the Invention (including drawings, if filed) - Claim(s) - Abstract of the Disclosure <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 4]</p> <p>5. <input checked="" type="checkbox"/> Oath or Declaration [Total Sheets 2]</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Newly executed (original or copy) b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))
<i>(for continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> | <p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission
<i>(if applicable, all necessary)</i></p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statement verifying identity of above copies |
|--|--|

ACCOMPANYING APPLICATION PARTS

- | | |
|---|--|
| <p>9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))</p> <p>10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement
<i>(when there is an assignee)</i></p> <p>11. <input type="checkbox"/> English Translation Document (if applicable)</p> <p>12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449</p> <p>13. <input type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)
<i>(Should be specifically itemized)</i></p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s)
<i>(if foreign priority is claimed)</i></p> <p>16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or its equivalent</p> <p>17. <input type="checkbox"/> Other:</p> | <p><input checked="" type="checkbox"/> Power of Attorney</p> <p><input type="checkbox"/> Copies of IDS Citations</p> |
|---|--|

18. If a CONTINUATING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation Divisional Continuation-in-part (CIP) | of prior application No.: 10/391,179 filed March 14, 2003.

Prior application information: Examiner: David J. Walczak Group Art Unit: 3751

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number	20583 Insert Customer No.	or <input type="checkbox"/> Correspondence address below
NAME		
ADDRESS		
CITY	STATE	ZIP CODE
COUNTRY	TELEPHONE	FAX

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.